

9800. Misbranding of Whitlock's child's laxative, cough sirup, cathartic sirup, blood pills, nervine pills, female cordial, kidney and gravel medicine, Red Indian liniment, worm cordial, nerve pills, rheumatic pills, and kidney pills. U. S. * * * v. Whitlock Herb Medicine Co., Inc. Plea of guilty. Fine, \$170. (F. & D. No. 13167. I. S. Nos. 15298-r, 15299-r, 15303-r, 15304-r, 15305-r, 15306-r, 15307-r, 15308-r 15484-r, 15485-r, 15486-r, 15487-r.)

On January 21, 1921, the United States attorney for the Western District of Virginia, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against the Whitlock Herb Medicine Co., Inc., Winchester, Va., alleging shipment by said company, in violation of the Food and Drugs Act, as amended, between the dates October 9, 1918, and February 26, 1919, from the State of Virginia into the State of Maryland of quantities of Whitlock's child's laxative and cough sirup, respectively, and from the State of Virginia into the State of West Virginia of quantities of Whitlock's cathartic sirup, blood pills, nervine pills, female cordial, kidney and gravel medicine, Red Indian liniment, worm cordial, nerve pills, rheumatic pills, and kidney pills, respectively, all of which were misbranded.

Analyses of samples of the articles by the Bureau of Chemistry of this department showed that the child's laxative contained senna, Rochelle salt, sodium salicylate, soda, alcohol, and water; that the cough sirup consisted of extracts of plants, including licorice, sugar, alcohol, and water; that the cathartic sirup contained extracts of plants, including jalap, senna, fennel, and peppermint, sugar, alcohol, and water; that the blood pills contained plant material, including capsicum, aloes, colocynth, and scammony; that the nervine pills contained plant material, including asafetida, valerian, and licorice, and an ammonium compound; that the female cordial contained extract of plants, including senna and jalap, alcohol, sugar, and water; that the kidney and gravel medicine contained volatile oils, including oils of sassafras, anise, and turpentine, and alcohol; that the Red Indian liniment contained oil of turpentine, acetic acid, ammonium chlorid, alcohol, and water; that the worm cordial contained plant extractives, including spigelia and senna, glycerin, a small amount of salicylic acid, sugar, alcohol, and water, flavored with methyl salicylate; that the nerve pills contained colchicine, asafetida, and extract of hops, sugar-coated; that the rheumatic pills contained colocynth, jalap, and guaiac; and that the kidney pills contained copaiba, extract of cubebs, a trace of oil of turpentine, and magnesia.

Misbranding of the child's laxative was alleged in the information for the reason that certain statements, to wit, "Alcohol 3%" and "A safe vegetable composition," borne on the labels attached to the bottles containing the article, regarding it and the ingredients and substances contained therein, were false and misleading in that they represented that the said article contained 3 per cent of alcohol and that it was wholly a vegetable composition, whereas, in truth and in fact, it contained more than 3 per cent of alcohol, to wit, 8 per cent of alcohol, and it was not wholly a vegetable composition but was a mixture composed in part of mineral matter, to wit, sodium carbonate, salicylates, and Rochelle salts. Misbranding was alleged for the further reason that the article contained alcohol, and the labels failed to bear a statement of the quantity and proportion of alcohol contained therein. Misbranding was alleged with respect to the cough sirup, cathartic sirup, female cordial, and kidney and gravel medicine for the reason that the statements, to wit, "Contains 30% Alcohol," "Alcohol 21%," "Alcohol 23%," and "Alcohol 60%," borne on the labels attached to the bottles containing the respective articles, regarding the articles and the ingredients and substances contained therein, were

false and misleading in that they represented that the said articles contained 30 per cent, 21 per cent, 23 per cent, or 60 per cent of alcohol, as the case might be, whereas, in truth and in fact, the cough sirup, cathartic sirup, and female cordial contained less amounts than indicated in said statements, to wit, 15.6 per cent, 17.8 per cent, and 13.71 per cent of alcohol, respectively, and the kidney and gravel medicine contained a greater amount than indicated in said statements, to wit, 74.7 per cent of alcohol. It was alleged in the information that the cough sirup, cathartic sirup, female cordial, and kidney and gravel medicine were further misbranded and that the Red Indian liniment and worm cordial were also misbranded for the reason that they contained alcohol, and the labels failed to bear a statement of the quantity and proportion of alcohol contained in the respective articles. Misbranding was alleged in substance with respect to certain of the articles for the further reason that certain statements, designs, and devices regarding the therapeutic and curative effects of the articles, appearing on the labels of the cartons, bottles, or boxes, as the case might be, containing the respective articles, falsely and fraudulently represented that the cough sirup was effective as a treatment, remedy, and cure for bronchitis, whooping cough, croup, laryngitis, chronic pleuritis, and all affections and diseases of the lungs and throat; that the cathartic sirup was effective as a treatment, remedy, and cure for dyspepsia, biliousness, sick headache, indigestion, loss of appetite, nervousness, sleeplessness, general debility, impure blood, disorders of the liver, stomach, and blood, gastritis, enteritis, and hyperemia; that the blood pills were effective as a treatment, remedy, and cure for bilious and liver complaints, scrofula, syphilis, tumors, carbuncles, pimples, sores, and other affections of the blood; that the nerve pills were effective as a treatment, remedy, and cure for insomnia, low spirits, all nervous affections, nervousness in all forms, loss of sleep, mental depression, all kinds and stages of nervous diseases, irritability, loss of memory, and general debility; that the female cordial was effective as a treatment, remedy, and cure for female weakness, painful, suppressed, and profuse menstruation, leucorrhea, and for all derangements of the female reproductive organs and all diseases peculiar to females; that the kidney and gravel medicine was effective as a treatment, remedy, and cure for all diseases of the kidneys and bladder, Bright's disease, gravel, catarrh, inflammation of the bladder, burning or scalding of the urine, and for all diseases arising from disordered kidneys; that the Red Indian liniment was effective as a treatment, remedy, and cure for rheumatism, neuralgia, sprains, burns, pleurisy, diarrhea, and all painful affections; that the nerve pills were effective as a treatment, remedy, and cure for vertigo, nervous dyspepsia, nervous headache, and other affections of the digestive system; that the rheumatic pills were effective as a treatment, remedy, and cure for rheumatism in all its forms and stages, neuralgia affections, and painful menstruation; and that the kidney pills were effective as a treatment, remedy, and cure for affections and diseases of the kidneys and bladder, when, in truth and in fact, they were not.

On April 26, 1921, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$170.

C. W. PUGSLEY, *Acting Secretary of Agriculture.*